

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only) 3 : 15 - AP - 3400 - KRH		
PLAINTIFFS Shameta K. Boggs Kelvin L. Boggs	DEFENDANTS Credit Acceptance Corporation			
ATTORNEYS (Firm Name, Address, and Telephone No.) Jason M. Krumbein, Esq. America Law Group 8501 Mayland Dr., Suite 106 804.592.0792 (phone) 804.234.1159 (fax)	ATTORNEYS (If Known)			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Determine priority, validity and extent of lien				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et.seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input checked="" type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input checked="" type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et.seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23			
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$			
Other Relief Sought				

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Shameta K. Boggs and Kelvin L. Boggs		BANKRUPTCY CASE NO. 3:14-BK-36051-KLP
DISTRICT IN WHICH CASE IS PENDING Eastern	DIVISION OFFICE Richmond	NAME OF JUDGE Phillips
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Jason M. Krumbein, Esq.		
DATE 2016-01-24	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Jason M. Krumbein	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, *unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

*Per LBR 7003-1, in the EDVA, a properly completed Adversary Proceeding Cover Sheet is required.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:	Shameta K. Boggs)	
	Kelvin L. Boggs)	
)	
	Debtors.)	Case No. 3:14-bk-36051-KLP
)	
)	Chapter 13
SSN:	xxx-xx-4043)	
	xxx-xx-1510)	
)	
Address:	8203 Chamberlayne Rd.)	
	Richmond, VA 23227)	
)	
Shameta K. Boggs)	
Kelvin L. Boggs)	
	Plaintiffs)	
)	
v.)	AP No. 3:16-AP____ -KLP-
)	
CREDIT ACCEPTANCE CORPORATION)	
)	
	Defendants.)	
)	

COMPLAINT

1. This Court has original jurisdiction over this action pursuant to 28 U.S.C. 1334.
2. Mr. & Mrs. Boggs have commenced this case by filing, on November 10, 2014, a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code, in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division.
3. The Defendant is the holder of a judgment lien on a parcel of real property commonly known as 10614 Edenton Rd., Partlow, VA 22534 in the county of Spottsylvania, Virginia, The Boggs's primary residence, with a legal description of

PARCEL 1: All that certain lot or parcel of real estate, together with all improvements thereon, lying and being in Berkeley magisterial district, Spottsylvania County, Virginia, and located about 2 miles north west of Wallers Church, containing 8.474 acers, as shown on plat of survey made by Louis Terrell, CPLS, dated August 30, 1976, which plat is recorded in Deed Book 416 at page 319, and made a part hereof by this reference thereto, LESS AND EXCEPT 1.080 acres as shown on plat of survey by Lewis Terrell, CLS, dated August 30, 1976, which was conveyed to Lewis T. Boggs, et ux, by deed

which is recorded in the Clerk's office of the Circuit County of Spottsylvania County, Virginia, immediately prior to the next hereinafter mentioned deed.

Said Property having been conveyed to Kelvin L. Boggs, Cassandra A. Boggs, and Michael A. Boggs, by deed of gift, dated April 15, 1983, and recorded in aforesaid Clerk's office, in deed book 583, page 426.

PARCEL 2: All that certain lot or parcel of real estate, together with all improvements thereon, lying and being in the Berkeley Magisterial District, Spottsylvania County, Virginia, and located about 2 miles north west of Wallers Church, containing 1.080 acres, as shown on plat of survey by Lewis Terrell, CLS, dated August 30, 1976, which was conveyed to Lewis T. Boggs, at book 416 at page 322.

Said property having been conveyed to Kelvin L. Boggs, Cassandra A. Boggs, and Michael A. Boggs, by deed of gift, dated April 15, 1983, and recorded in aforesaid Clerk's office, in deed book 583, page 426.

This conveyance is made subject to all easements, restrictions and reservations of record.

4. At the time of the bankruptcy, the principal residence was worth approximately \$174,000. (based on tax assessed value) and was subject to a First Deed of Trust with a balance of \$215,084.73 held by JP Morgan Chase, National Association. (See Proof of Claim #7).
5. At the time of the Bankruptcy, a judgment lien had been recorded in the Spottsylvania County Courthouse in favor of Credit Acceptance Corporation and against both debtors, was represented by Dominion Law Associates, PLLC. The judgment was recorded at Judgment Book 2014 pages, 1459. (See POC #1 and attached judgment record exhibit A).
6. No security existed for the judgment. This continues to be the case.

REQUEST FOR RELIEF

1. Mr. & Mrs. Boggs requests the judgment by Credit Acceptance Corporation, be stripped off pursuant to 11 U.S.C. 506(d) and 11 U.S.C. 1322(b)(2) and treated as an unsecured debt.

Respectfully Submitted,

Sheameta K. Boggs

Kelvin L. Boggs

BY COUNSEL: /s/ Jason M. Krumbein, Esq.

Jason M. Krumbein, Esq. VSB 43538

Counsel for the Debtor(s) in Bankruptcy

America Law Group

8501 Mayland Dr., Suite 106

Richmond, VA 23294

Tel: 804.592.0792 Fax: 804.234.1159

jkrumbein@krumbeinlaw.com

Instrument# 201400001459 Page 1

ABSTRACT OF JUDGMENT

Commonwealth of Virginia VA CODE § 18.01-449

SPOTSYLVANIA GENERAL DISTRICT COURT - CIVIL COURTHSE RD JUD CTR PO339, SPOTSYLVANIA, VA 22553
DISTRICT COURT NAME AND ADDRESS

Case No. GV12003411-00

CREDIT ACCEPTANCE CORPORATION
FULL NAME OF PLAINTIFF (LAST, FIRST, MIDDLE)

ADDRESS

CITY STATE ZIP
0000
DATE OF BIRTH SEN (LAST FOUR DIGITS ONLY)

FULL NAME OF PLAINTIFF(S)

ADDRESS

CITY STATE ZIP
0000
DATE OF BIRTH SEN (LAST FOUR DIGITS ONLY)

This is to certify that a judgment was rendered in this court in favor of:

☒ PLAINTIFF(S) against DEFENDANT(S)
☐ DEFENDANT(S) against PLAINTIFF(S)
☐

v. **BOGGS, SHAMETA**

FULL NAME OF DEFENDANT (LAST, FIRST, MIDDLE)

ADDRESS

10614 EDENTON ROAD
PARTLOW, VA 22534

CITY STATE ZIP
0000
DATE OF BIRTH SEN (LAST FOUR DIGITS ONLY)
BOGGS, KELVIN
FULL NAME OF DEFENDANT(S)

ADDRESS

10614 EDENTON ROAD
PARTLOE, VA 22534

CITY STATE ZIP
0000
DATE OF BIRTH SEN (LAST FOUR DIGITS ONLY)

DATE OF JUDGMENT **08/08/2012**

\$ **2,948.84**

AMOUNT OF JUDGMENT

AMOUNT OF JUDGMENT NOT SUBJECT TO ACCRUAL OF INTEREST

HOMESTEAD EXEMPTION WAIVED ☐ YES ☐ NO ☐ CANNOT BE DEMANDED

ALTERNATE VALUE OF SPECIFIC PROPERTY AWARDED

INTEREST RATE(S) AND BEGINNING DATE(S)

28.99 % FROM 5/5/11

COSTS

\$ **70.00**

ATTORNEY'S FEES

ATTORNEY

ZECCA, SARAH

OTHER:

I certify the above to be a true abstract of a judgment rendered in this court.

08/24/2012
DATE

[Signature]
CLERK (1/1/2008)

FORM DC-445 MASTER 7/07

RECEIVED + FILED

MAR 25 2014

SPOTSYLVANIA CIRCUIT COURT

11:35 AM

Parcel Information

Parcel ID: 72-A-20A
Physical Address: 10614 Edenton RD
Legal Description: Gatewood
Deeded Acreage: 7.39

Value for 2014

Year:	2014
Land Value:	\$39,300
Building Value:	\$135,400
Total Value:	\$174,700

Building Information

Building ID #40865

Year Built: 2006 Single-family Residence
Total Area: 1,824 sqft
Bedrooms: 3
Full Bathrooms: 2
Half Bathrooms: 1
Attached Garage (SF): 336
Composition Shingle: Yes
Direct-Vented, Gas (#): 1
Frame, Siding, Vinyl: Yes
Heat Pump: Yes
Raised Slab Porch (SF) with Roof: 180
Total Basement Area (SF): 1104

Owner's Name & Mailing Address

Kelvin L Boggs or
Shameta Boggs
10614 Edenton RD
PARTLOW, VA 22534-9641

Sales Information as of 10/20/2014

Date of Transfer: 04/03/2006
Transfer Type: Gift
Instrument Number: 0011345
Sale Price: \$0.00

If you find any information that you believe is inaccurate, please [click here](#) to send an email to our Real Estate Department.